



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47775 • Olympia, Washington 98504-7775 • (360) 407-6300

August 29, 2005

REGISTERED MAIL

TransAlta Centralia Mining, LLC
Attn: Mr. Dennis N. Morr Jr
913 Big Hanaford Road
Centralia, WA 98531

Dear Mr. Morr:

RE: Water Quality Certification, Order Number 2617 for Corps Public Notice 200400909 for development of the Kopiah Excess Spoil Area (KESA), Pond 47, and two wetland and stream mitigation sites at the TransAlta Centralia Mining LLC Centralia Mine near Centralia, in Lewis and Thurston Counties, Washington.

TransAlta applied for a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers (Corps) and a Section 401 Certification from the State of Washington for its proposed work in wetlands and streams in drainages of Packwood Creek, an unnamed tributary to South Fork Hanaford Creek, and upper headwaters of Mitchell Creek near Centralia, in Lewis and Thurston Counties, Washington. The Corps issued a Public Notice regarding TransAlta's application on October 12, 2004, which has been reviewed by Ecology.

On behalf of the State of Washington, Ecology certifies that the work proposed in the application for the Section 404 Permit and Corps' Public Notice comply with applicable provisions of Sections 301, 302, 303, 306 and 307 of the Clean Water Act, as amended, and other appropriate requirements of State law. This letter also serves as Washington State's response to the Corps.

- This certification concurrence is subject to the conditions contained in the enclosed Order.

If you have any questions, please contact Lori Ochoa at (360) 407-6926. The enclosed Order may be appealed by following the procedures described in the Order.

Sincerely,


Paula Ehlers, Section Manager
Shorelands and Environmental Assistance Program
Department of Ecology - Southwest Regional Office

PE:MC:th
Enclosure

cc: Jonathan Smith, U.S. Army Corps of Engineers
Scott Brummer, WDFW
Glen Waugh, Department of the Interior
Phillip Rupp, Lewis County



IN THE MATTER OF GRANTING) ORDER #2617
A WATER QUALITY) Corps Reference No 200400909
CERTIFICATION TO) To develop the Kopiah Excess Spoil Area (KESA), Pond
TransAlta Centralia Mining, LLC) 47, and two wetland and stream mitigation sites at the
in accordance with 33 U.S.C. 1341) **TransAlta Centralia Mining LLC Centralia Mine near**
FWPCA § 401, RCW 90.48.260,) **Centralia, in Lewis and Thurston Counties, Washington.**
RCW 90.48.120 and WAC 173-201A)

TO: TransAlta Centralia Mining, LLC
Mr. Dennis N. Morr, Jr.
913 Big Hanaford Road
Centralia, Washington 98531

On October 12, 2004, a public notice seeking a water quality certification from the State of Washington was distributed for the above-referenced project pursuant to the provisions of Section 401 of the Federal Water Pollution Control Act (FWPCA § 401), 33 U.S.C. 1341.

As stated in the Kopiah Project Wetland Mitigation Plan dated May 2005, the proposed project involves the placement of fill and mechanical land clearing and/or excavation of a total of 21.72 acres of emergent, scrub-shrub, and forested wetlands (including acreage of waterbodies), and 38,135 linear feet of intermittent waterbodies and narrow unvegetated drainages. The proposed work is broken down as follows:

The Kopiah Excess Spoils Area (KESA) Project: Fill material generated by coal mining activities in the Kopiah project will be placed in this storage area. Total impact area includes 11.61 acres of palustrine emergent, scrub-shrub, and forested wetlands and 21,037 linear feet of intermittent waterbodies and narrow unvegetated drainages, which includes 3,421 linear feet of Packwood Creek.

Pond 47 and Mining Project: The ponds will be periodically dredged to remove accumulated sediment. Mining activities will include land-clearing and excavation of topsoil, then mining the coal in 10.11 acres of palustrine emergent and scrub-shrub wetlands and 17,097 linear feet of intermittent waterbodies of South Fork Hanaford Creek and narrow unvegetated drainages.

Mitigation for this project will occur on property owned by TransAlta Centralia Mining LLC. The mitigation site will extend 7,700 linear feet down the realigned Big Hanaford Creek from immediately downstream of the Centralia Steam Electric Generating Plant connecting to the existing Oregon ash woodland. Forested, scrub-shrub, and emergent wetlands will be planted adjacent to Big Hanaford Creek. This will result in rehabilitation of a total of 110 acres of wetland and stream with off-channel alcoves and will re-establish floodplain wetlands by reconnecting the channel's hydrology to the floodplain.

For purposes of this Order, the term "Applicant" shall mean TransAlta Centralia Mining LLC and its agents, assigns, and contractors.

AUTHORITIES:

In exercising authority under 33 U.S.C. 1341, 16 U.S.C. 1456, RCW 90.48.120 and RCW 90.48.260, the Department of Ecology (Ecology) has investigated this application pursuant to the following:

1. Conformance with applicable water quality-based, technology-based, and toxic or pretreatment effluent limitations as provided under 33 U.S.C. Sections 1311, 1312, 1313, 1316, and 1317 (FWPCA Sections 301, 302, 303, 306, and 307);
2. Conformance with the state water quality standards as provided for in Chapter 173-201A WAC authorized by 33 U.S.C. 1313 and by Chapter 90.48 RCW, Chapter 173-200 WAC and with other appropriate requirements of state law; and,
3. Conformance with the provision of using all known, available, and reasonable methods to prevent and control pollution of state waters as required by RCW 90.48.010.

WATER QUALITY CERTIFICATION CONDITIONS:

Through issuance of this Order, Ecology certifies that it has reasonable assurance that the project as proposed and conditioned will not violate applicable water quality standards and other applicable requirements of state law. In view of the foregoing and in accordance with 33 U.S.C. 1341, 90.48.260 RCW, 90.48.120 RCW Chapter 173-200 WAC and Chapter 173-201A WAC, certification is granted to TransAlta Centralia Mining, LLC subject to the following conditions:

A. No Further Impairment of Existing Water Quality

- A1. The Packwood Creek and tributaries to South Hanaford Creek are Class A waters of the state. Certification of this proposal does not authorize the Applicant to exceed applicable state water quality standards (173-201A WAC), ground water quality standards (173-200 WAC) or sediment quality standards (Chapter 173-204 WAC). Water quality criteria contained in WAC 173-201A-030(1) and WAC 173-201A-040 shall apply to this project, unless otherwise authorized by Ecology. This Order does not authorize temporary exceedances of water quality standards beyond the limits established in WAC 173-201A-110(3). Furthermore, nothing in this Order shall absolve the Applicant from liability for contamination and any subsequent cleanup of surface waters, ground waters or sediments occurring as a result of project construction or operations.

B. Timing:

- B1. This Order is shall be valid during construction and long-term operation and maintenance of this project.
 - B1a. The Applicant shall reapply with an updated application if the information contained in the JARPA submitted to Ecology on August 2, 2004 and as revised on November 03, 2004; and the U.S. Army Corps of Engineers (Corps) Public Notice distributed on October 12, 2004 is voided by subsequent submittal to the federal agency.
 - B1b. Any future mining-related activities that could impact waters of the state at this project location, emergency or otherwise, that are not defined in the JARPA submitted August 2, 2004, and as revised on November 3, 2004, or have not been approved in writing by Ecology, are not authorized by this Order. Such proposed actions shall be reviewed with Ecology for approval prior to implementation.

C. Notification Conditions:

- C1. The Applicant shall notify Ecology's Southwest Regional Office Federal Permit Coordinator (Lori Ochoa) at 360/ 407-6926, Fax 360/ 407-6305, E-mail loch461@ecy.wa.gov , or mail P O. Box 47775, Olympia, WA 98504-7775) for the following activities:
 - C1a. at least fourteen (14) days prior to the starting construction work at the project site or at each of the mitigation sites, and
 - C1b. within seven (7) days after the completion of construction at the project and each of the mitigation sites.
- C2. The Applicant shall ensure that all appropriate Project Engineer(s) and Lead Contractors at the project and/or mitigation sites shall have read and understand relevant conditions of this Order and all permits, approvals, and documents referenced in this Order.
 - C2a. The Applicant shall provide to Ecology a signed statement (see Attachment #A for an example) from each Project Engineer and contractor that they have read and understand the conditions of this Order and the above-referenced permits, plans, documents and approvals.
 - C2b. These statements shall be provided to Ecology no less than seven (7) days before each Project Engineer or Lead Contractor begins work at the project or mitigation sites.

NOTE: These notifications shall include the applicant's name, project name, project location, the number of this Order, contact and contact's telephone number.

D. Construction Activity Conditions

- D1. All stormwater discharges from the project shall be in compliance with the state of Washington surface water quality standards (Chapter 173-201A WAC), sediment management standards (Chapter 173-204 WAC), and ground water quality standards (Chapter 173-200 WAC).
 - D1a. The Applicant shall design, construct, operate, and maintain stormwater treatment facilities to ensure that discharges will not result in exceedances of state water quality criteria in receiving waters
 - The Applicant shall design the stormwater treatment facilities in accordance with Ecology's stormwater management manual that is in effect at the time of final design, or other equivalent manuals approved by Ecology.
- D2. The applicant shall submit a Stormwater Pollution Prevention Plan (SWPPP) and a Temporary Erosion and Sediment Control Plan (TESC) 30 days prior to beginning construction of pond 47.

D2a. These plans shall include:

- Name and telephone number of person responsible for implementing the plans;
- Best management practices that will be implemented;
- Frequency of BMP inspections; and
- Contingency plan in the event of adverse weather conditions or other foreseeable undesirable conditions.

These plans shall be submitted to the Lori Ochoa, Federal Permit Manager, Department of Ecology, SWRO, PO Box 47775, Olympia, WA 98504-7775.

- D3. The project site shall be clearly marked/staked prior to construction to protect adjacent wetlands from construction impacts. Clearing limits, travel corridors and stockpile sites shall be clearly marked. Sensitive areas and buffers that are to be protected from disturbance shall be delineated and marked with brightly colored construction fence, so as to be clearly visible to equipment operators. All project staff shall be trained to recognize construction fencing or flagging that identifies wetland boundaries. Equipment shall not be moved into or operated in wetlands or stream channels that are not authorized to be filled or disturbed. Equipment shall enter and operate only within the marked clearing limits, corridors and stockpile areas.
- D4. Work in or near waters of the state shall be done in a manner that minimizes turbidity, erosion, and other water quality impacts.
- D5. Appropriate and effective best management practices (BMPs) shall be installed adjacent to any surface water body on the project site prior to commencing earthwork so as to minimize erosion, turbidity, and other water quality impacts.
- D6. Erosion control devices (e.g. detention areas, filter fences, etc.) suitable to prevent exceedances of state water quality standards shall be in place before starting construction and shall be maintained, so as to be effective throughout construction. Some adjustments to planned erosion and sediment control may be allowed in order to meet the water quality standards.
- D7. The Applicant shall periodically inspect and maintain all erosion control structures. Inspections shall be conducted no less than every seven (7) days from the start of the project to final site stabilization. Additional inspections shall be conducted prior to and after expected rainfall events to ensure erosion control measures are in good working condition. Any damaged structures shall be immediately repaired. If it is determined at the inspection that additional measures are needed to control stormwater and erosion, they shall be implemented immediately. All such inspections shall be documented in writing and shall be available for Ecology's review upon request.
- D8. Turbid water generated from construction activities, including turbid dewatering water, shall not be discharged directly to waters of the state. Turbid water shall be pumped to a treatment facility to allow the fine materials to settle and then be discharged as per the requirements within the NPDES permit issued for this project or transferred offsite to a treatment facility.

- D9. Appropriate BMPs shall be implemented to minimize track-out during construction at the project site.
- D10. All construction debris shall be properly disposed of on land so that it cannot cause water quality degradation to state waters.
- D11. Machinery and equipment used during construction shall be serviced, fueled, and maintained on uplands in order to prevent contamination to surface waters. All fueling areas shall be provided with adequate spill containment. Fueling equipment and vehicles within 50 feet of state waters is not allowed.
- D12. Wash water containing oils, grease, or other hazardous materials resulting from wash down of equipment or working areas shall not be discharged into state waters. The Applicant shall establish and maintain a designated area for washing down equipment and vehicles so that wash waters are managed and treated to avoid a violation of water quality standards.

E. Monitoring Requirements and Discharge Limitations at Pond 47 Outfall Location

Note: The following monitoring conditions will apply when Pond 47 is constructed:

E1. Monitoring Schedule and Stormwater Discharges

- E1a. All discharges and activities authorized by this permit shall be consistent with the terms and conditions of this Order. The discharge of any of the following pollutants more frequently than, or at a concentration in excess of, that authorized by this Order shall constitute a violation of the terms and conditions of this Order.
- E1b. Beginning on the issuance date of this Order, the Applicant is authorized to discharge mine runoff at the Pond 47 outfall location subject to meeting the following monitoring schedule and effluent limitations:

Monitoring Schedule for Staff Gauge					
Parameter, Units	Daily Minimum	Monthly Average ^a	Daily Maximum ^b	Minimum Sampling Frequency	Sample Type
*Flow, cubic feet/second	N/A	Report	Report	Weekly	Visual

*After exceptional storm events (exceeding 3.0 inches in 24 hours) additional monitoring is required for this parameter. Monitoring shall consist of a sample taken at no later than 12 hours after the end of the 24-hour exceptional event. If the Applicant is unable to perform sampling within the 12-hour period, the sampling period can be extended up to 24 hours. An explanation as to why sampling could not be performed within the 12-hour limit shall accompany the next Discharge Monitoring Report.

Monitoring Requirements and Effluent Limitations Pond 47 Outfall					
Parameter	Daily Minimum	Monthly Average ^a	Daily Maximum ^b	Minimum Sampling Frequency	Sample Type
pH, S.U.	Range 6 to 9			Monthly	Grab
Total Suspended Solids, mg/L	N/A	20	40	Monthly	Grab
Total Petroleum Hydrocarbons, mg/L	N/A	10	15	Once every 2 months ^c	Grab
Temperature, °C	N/A	18	18	Monthly	Grab
Total Iron, mg/L	N/A	3.5	3.5	Once every 2 months ^c	Grab
Dissolved Oxygen, mg/L	6.5	N/A	N/A	Monthly	Grab
^a The average monthly effluent limitation is defined as the highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.					
^b Daily Maximum is defined as the highest allowable daily discharge.					
^c Sampling shall occur in January, March, May, July, September, and November					

Monitoring Requirements and Effluent Limitations for <u>Turbidity</u> for Pond 47 Outfall					
Parameter	Sample Point	Average Monthly	Maximum Daily	Minimum Sampling Frequency	Sample Type
Turbidity	Outfall at Pond 47	25 NTU		Monthly	CP ^b

*Sampling Point Descriptions for Pond 47			
Outfalls	Category	Latitude	Longitude
Pond 47	Background	46°29'25" N	122°23'12" W
Pond 47	Stormwater	46°45'32" N	122°50'38" W
Composite of 4 grab samples taken at equal intervals over 8 hours during daylight.			

E2. Sampling and Analytical Procedures

- E2a. Samples and measurements taken to meet the requirements of this Order shall be representative of the volume and nature of the monitored parameters, including representative sampling of any unusual discharge or discharge condition, including bypasses, upsets and maintenance-related conditions affecting effluent quality.
- E2b. Sampling and analytical methods used to meet the water and wastewater monitoring requirements specified in this Order shall conform to the latest revision of the *Guidelines Establishing Test Procedures for the Analysis of Pollutants* contained in 40 CFR Part 136 or to the latest revision of *Standard Methods for the Examination of Water and Wastewater* (APHA), unless otherwise specified in this Order or approved in writing by Ecology. For the Total Petroleum Hydrocarbons testing the NWTPX analytical method described in the "Northwest Petroleum Hydrocarbons Analytical Methods" document from The Ecology Laboratory dated December 1996 should be used.

E3. Laboratory Accreditation

All monitoring data shall be prepared by a laboratory registered or accredited under the provisions of, *Accreditation of Environmental Laboratories*, Chapter 173-50 WAC. Flow, temperature, settleable solids, conductivity, pH, and internal process control parameters are exempt from this requirement.

F. Long Term Facility Operations and Maintenance Requirements:

- F1. The Applicant shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed to achieve compliance with the terms and conditions of this Order.

Operations and Maintenance Manual

- F2. An Operations and Maintenance (O&M) Manual shall be updated by the Applicant in accordance with WAC 173-240-150 and be submitted to Ecology for approval. The approved O&M Manual shall be kept available at the permitted facility and all operators shall follow the instructions and procedures of this Manual. The O&M Manual shall include:
- Emergency procedures for plant shutdown and cleanup in event of stormwater system upset or failure.
 - Plant maintenance procedures
 - The treatment plant process control monitoring schedule.
- F3. The following information shall be summarized in the initial chapter of the O&M manual. This chapter shall be entitled the "Treatment System Operating Plan." For the purposes of this Order, a Treatment System Operating Plan (TSOP) is a concise summary of specifically

defined elements of the O&M Manual. The ISOP shall not conflict with the O&M Manual and shall include the following information:

- A baseline operating condition which describes the operating parameters and procedures used to meet the effluent limitations of E1 at the production levels used in developing these limitations.
- In the event of production rates which are below the baseline levels used to establish these limitations, the plan shall describe the operating procedures and conditions needed to maintain design treatment efficiency. The monitoring and reporting shall be described in the plan.
- In the event of an upset, due to plant maintenance activities, severe stormwater events, start ups or shut downs, or other causes, the plan shall describe the operating procedures and conditions employed to mitigate the upset. The monitoring and reporting shall be described in the plan.
- A description of any regularly scheduled maintenance or repair activities at the facility which would affect the volume or character of the wastes discharged to the wastewater treatment system and a plan for monitoring and treating/controlling the discharge of maintenance-related materials (such as cleaners, degreasers, solvents, etc.).

Bypass Procedures

F4. Bypass, which is the intentional diversion of waste streams from any portion of a treatment facility, is prohibited, and Ecology may take enforcement action against an Applicant for bypass unless one of the following circumstances (F4a,b or c) is applicable.

F4a. Bypass for Essential Maintenance without the Potential to Cause Violation of Order Limits or Conditions. Bypass is authorized if it is for essential maintenance and does not have the potential to cause violations of limitations or other conditions of this Order, or adversely impact public health as determined by Ecology prior to the bypass. The Applicant shall submit prior notice, if possible, at least ten days before the date of the bypass.

F4b. Bypass which is Unavoidable, Unanticipated, and Results in Noncompliance of this Order

- Bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which would cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass.
- There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment downtime (but not if

adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance), or transport of untreated wastes to another treatment facility.

F4c. Bypass Which is Anticipated and has the Potential to Result in Noncompliance of this Order.

- The Applicant shall notify Ecology at least 30 days before the planned date of bypass. The notice shall contain: (1) a description of the bypass and its cause; (2) an analysis of all known alternatives which would eliminate, reduce, or mitigate the need for bypassing; (3) a cost-effectiveness analysis of alternatives including comparative resource damage assessment; (4) the minimum and maximum duration of bypass under each alternative; (5) a recommendation as to the preferred alternative for conducting the bypass; (6) the projected date of bypass initiation; (7) a statement of compliance with SEPA; (8) a request for modification of water quality standards as provided for in WAC 173-201A-110, if an exceedance of any water quality standard is anticipated; and (9) steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.
- For probable construction bypasses, the need to bypass is to be identified as early in the planning process as possible. The analysis required above shall be considered during the preparation of the engineering report or facilities plan and plans and specifications and shall be included to the extent practical. In cases where the probable need to bypass is determined early, continued analysis is necessary up to and including the construction period in an effort to minimize or eliminate the bypass.

F4d. Ecology will consider the following prior to issuing an administrative order for this type of bypass:

- If the bypass is necessary to perform construction or maintenance-related activities essential to meet the requirements of this Order.
- If there are feasible alternatives to bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, stopping production, maintenance during normal periods of equipment down time, or transport of untreated wastes to another treatment facility.
- If the bypass is planned and scheduled to minimize adverse effects on the public and the environment. After consideration of the above and the adverse effects of the proposed bypass and any other relevant factors, Ecology will approve or deny the request. The public shall be notified and given an opportunity to comment on bypass incidents of significant duration, to the extent feasible. Approval of a request to bypass will be by administrative order issued by Ecology under Revised Code of Washington (RCW) 90.48.120.

NOTE: Conditions E and F above may be superseded by future NPDES permit coverage for this project area.

G. Mitigation

- G1 Impacts to aquatic resources shall be mitigated as described in the Kopiah Project Wetland Mitigation Plan for TransAlta Centralia Mining, LLC Kopiah Project, dated May 2005 (Wetland Mitigation Plan), and as revised in the Applicant's August 2, 2005 letter to the Corps, its August 5, 2005 submittal to the Corps, and as further described in the final mitigation plan.
- G2 The Applicant shall submit a Final Wetland Mitigation Plan to Ecology for review and approval 30 days prior to starting of construction at the mitigation sites.
Deed Restriction: Permanent protection of the wetland mitigation and preservation areas and buffers shall be recorded on the property deed for the Wetland Mitigation Sites. The deed shall clearly indicate that the wetland mitigation areas are "waters of the state". Documentation that this requirement has been fulfilled shall be provided to Mark Cline, Department of Ecology, SWRO, PO Box 47775, Olympia, WA 98504-7775, as part of the "as-built" report.
- G3 Any future mining-related activities that could impact the mitigation sites must be evaluated and approved in writing by Ecology. Appropriate compensatory mitigation must be provided for any future impacts to the mitigation sites.

Mitigation Construction

- G4 Appropriate and effective BMPs shall be installed adjacent to any surface water body on the mitigation sites prior to commencing earthwork so as to minimize erosion, turbidity, and other water quality impacts.
- G5 All excess excavated material from the mitigation sites shall be disposed of in an appropriate location outside of sensitive areas and their buffers and shall be stabilized or contained so as to prevent its entry into waters of the state.
- G6 No materials shall be stockpiled within the wetlands or streams on the mitigation sites.
- G7 The Wetland Mitigation Planting Plan shall be field supervised and inspected by a qualified wetland specialist(s) during grading and planting operations, as well as after planting has been completed, to ensure proper installation.
- G8 The boundaries of the mitigation area and buffers shall be permanently marked with stakes at least every 100 feet. The marking shall include signage that clearly indicates that clearing vegetation, excavation, placement of fill, and fertilizer/pesticide applications are prohibited within mitigation areas.
- G9 Appropriate BMP's shall be implemented to minimize track-out during construction at the mitigation sites.

- G10. All earthen areas that have been exposed or disturbed on the mitigation site shall be stabilized to prevent erosion by using mulch or equivalent such as seeding with a suitable erosion control seed mix consisting of native grasses and forbs within seven (7) days of completion of grading.

Mitigation Monitoring and Reporting:

- G11. Mitigation monitoring reports shall be submitted as described in the Kopiah Project Wetland Mitigation Plan for TransAlta Centralia Mining, LLC Kopiah Project dated May 2005 (Wetland Mitigation Plan) and as revised in the Applicant's August 2, 2005 letter to the Corps, its August 5, 2005 submittal to the Corps, and as further described in the Final Wetland Mitigation Plan
- G12. The Applicant shall grant Ecology access to the mitigation sites for inspection during the ten (10) year monitoring period or until mitigation success has been achieved.
- G13. All plantings at mitigation sites shall be watered and otherwise maintained as necessary to meet performance standards
- G14. When needed to meet the performance standards stated in the Final Wetland Mitigation Plan, dead or dying plants shall be replaced during the first available planting season with the same species or a native plant alternative that is appropriate for the location. The species, numbers, and approximate locations of all replanted material shall be noted in the subsequent monitoring report.
- G15. Monitoring of the wetland mitigation sites will occur for a minimum of ten (10) years, with monitoring performed in years one (1), two (2), three (3), four (4), five (5), seven (7), eight (8), and ten (10). Monitoring reports shall be submitted to Ecology's Mark Cline, Department of Ecology, SWRO, PO Box 47775, Olympia, WA 98504-7775, at the end or each monitoring year. Contingency measures and additional monitoring of the mitigation may be required by Ecology if wetland monitoring reveals that performance measures are not being met.
- G16. If at monitoring year ten (10), all required performance standards have not been met, then Ecology may require additional monitoring and/or additional wetland mitigation area. Monitoring reports shall be sent to Ecology's Federal Permit Manager, Lori Ochoa, Department of Ecology, SWRO, PO Box 47775, Olympia, WA 98504-7775.
- G17. Prior to implementing any contingency measures, the Applicant shall consult with permitting agencies.
- G18. Contingency measures and additional monitoring of the mitigation may be required by Ecology if wetland monitoring reveals that performance measures are not being met.
- G19. Any changes to the wetland monitoring requirements must be approved in writing by Ecology before they are incorporated into the plan or implemented on the ground.

H. Reporting Conditions

H1. A detailed "as built" report shall be prepared after construction showing any variances from the Final Wetland Mitigation Plan. The "as-built" shall be the baseline document used for all future monitoring of the mitigation project. It shall include but not be limited to:

- comments from a wetland specialist present on site during mitigation construction;
- final site plan showing site topography (both site plan view and typical sections) and clearly indicating the mitigation site boundary;
- photographs of the area taken from permanent photo reference points which will be designated on the site plan;
- the installed planting scheme showing densities, sizes, and approximate locations of plants as well as plant sources and time of planting; and,
- an analysis of any changes to the mitigation plan that occurred during construction.
- Deed Restriction: Permanent protection of the wetland mitigation and preservation sites and buffers shall be recorded on the property deed for the Wetland Mitigation Sites. The deed shall clearly indicate that the wetland mitigation areas are "waters of the state".

A copy of the "as-built" report and drawing shall be sent to Ecology's Southwest Regional Office Attn.: Mark Cline at P O Box 47775, Olympia, WA 98504-7775, within 60 days of completing construction and planting, and in no case later than December 31, of the year that construction is completed.

I. Emergency/Contingency Measures:

- I1. The Applicant shall develop a spill prevention and containment plan for this project and shall have spill cleanup materials available on site.
- I2. Any work that is out of compliance with the provisions of this Order, or any discharge of oil, fuel, or chemicals into state waters, including wetlands, or onto land with a potential for entry into state waters, is prohibited. If these occur, the operator shall immediately take the following actions:
 - I2a. Immediately take action to stop, contain, and clean up unauthorized discharges or otherwise stop the violation and correct the problem.
 - I2b. Notify Ecology of the failure to comply. Spill events shall be reported immediately to Ecology's 24-hour spill response team at (360) 407-6300, and within 24 hours to Ecology's Southwest Regional Office Permit Coordinator at (360) 407-6926.
 - I2c. Submit a written report to Ecology within five (5) days that describes the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, results of any samples taken, and any other pertinent information.

Compliance with this condition does not relieve the Applicant from responsibility to maintain continuous compliance with the terms and conditions of this Order or the resulting liability from failure to comply.

- I3. Fuel hoses, oil drums, oil or fuel transfer valves and fittings, etc., shall be checked regularly for drips or leaks, and shall be maintained and stored properly to prevent spills into state waters, including wetlands
- I4. If at any time during work the proponent finds buried chemical containers, such as drums, or any unusual conditions indicating disposal of chemicals, the proponent shall immediately notify Ecology's Southwest Regional Spill Response Office at 360 407-6300.

I. General Conditions:

- J1. This Order does not authorize direct, indirect, permanent, or temporary impacts to waters of the state or related aquatic resources **except** as specifically provided for in conditions of this Order.
- J2. This Order does not exempt the Applicant from, and is conditioned upon compliance with, other statutes and codes administered by federal, state, and local agencies.
- J3. The Applicant shall construct and operate the project in a manner consistent with the project description contained in the JARPA and Public Notice for certification, or as otherwise approved by Ecology.
- J4. The Applicant shall reapply with an updated application if the information contained in the Corps' Public Notice is voided by subsequent submittals to the federal agency. Any future action at this project location, emergency or otherwise, that is not defined in the Public Notice, or has not been approved by Ecology, is not authorized by this Order. All future actions shall be coordinated with Ecology for approval prior to implementation of such action.
- J5. The Applicant shall provide access to the project site upon request by Ecology personnel for site inspections, monitoring, necessary data collection, or to ensure that conditions of this Order are being met.
- J6. Copies of this Order and all related permits, approvals, and documents shall be kept on the project site and readily available for reference by the project managers, construction managers and foremen, other employees and contractors of the Applicant and state agency personnel.
- J7. Nothing in this Order waives Ecology's authority to issue additional administrative orders if Ecology determines further actions are necessary to implement the water quality laws of the State. Further, Ecology retains continuing jurisdiction to make modifications hereto through supplemental order, if additional impacts due to project construction or operation are identified (e.g., violations of water quality standards, downstream erosion, etc.), or if additional conditions are necessary to further protect the public interest.

- J8. Any person who fails to comply with any provision of this Order shall be liable for a penalty of up to ten thousand dollars (\$10,000) per violation for each day of continuing noncompliance.

Appeal Process:

You have the right to appeal this Order to the Pollution Control Hearings Board. Pursuant to chapter 43.21B RCW, your appeal must be filed with the Pollution Control Hearings Board, and served on the Department of Ecology, within thirty (30) days of the date of your receipt of this document.

To appeal this Order, your notice of appeal must contain a copy of the Ecology Order you are appealing. Your appeal must be filed with:

The Pollution Control Hearings Board
4224 - 6th Avenue SE, Rowe Six, Bldg. 2
P.O. Box 40903
Lacey, Washington 98504-0903

Your appeal must also be served on:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, Washington 98504-7608

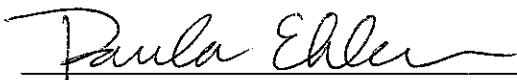
In addition, please send a copy of your appeal to:

Loree' Randall
Department of Ecology
P.O. Box 47600
Olympia, Washington 98504-7600

For additional information. Environmental Hearings Office Website: <http://www.eho.wa.gov>

Your appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B 320. These procedures are consistent with Ch. 43 21B RCW.

Dated 8.29.05 at Lacey, Washington


Paula Ehlers, Section Manager
Shorelands and Environmental Assistance Program
Department of Ecology – Southwest Regional Office

Attachment # A
Water Quality Certification, Order # **2617**
Statement of Understanding

I, _____, state that, I will be involved as an agent or contractor for TransAlta Centralia Mining, LLC, in the development of the Kopiah Excess Spoil Area (KESA), Pond 47, and two wetland and stream mitigation sites at the TransAlta Centralia Mining LLC Centralia Mine near Centralia, in Lewis and Thurston Counties, Washington. I further state that I have read and understand the relevant conditions of Washington Department of Ecology Water Quality Certification Order #**2617** and the applicable permits and approvals referenced therein which pertain to the project-related work for which I am responsible.

Signature

Date

Title

Company